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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3742 OF 2007

Shamir Hakim Khan .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.Masood Peshiman for the applicant.

Mr.D.P. Adsule, APP for the State.

CORAM : D.G.KARNIK, J

DATED : 07th December 2007

P.C.:

1. Heard learned counsel for the applicant and learned APP for the State.

2. This application for bail has been filed by the applicant in connection with Crime No. I-365/07 registered against them with Ambernath Police station for alleged offences punishable u/s.363 and 366 r/w sec.34 of the IPC.

3. The prosecution case in short is that on 23rd September 2007 the applicant along with his wife visited the house of the complainant and expressed their desire to get son Irfan Khan married to complainant's daughter Ms.Shabnam Banu. The complainant told the applicant that their daughter Shabnam was a minor and further told that they did not like the relations too. Thereupon the applicant and his wife threatened the complainant and also threatened that they would take Shabnam away. It is the prosecution case that shabnam was kidnapped and abducted by the applicant on 25th September 2007. Missing report was lodged. Shabnam is still untraceable.

4. Learned APP states that investigation into the alleged crime is going on and therefore, it would not be appropriate to release the applicant on bail. Learned APP also submitted that the applicant and his family members are threatening the prosecution witnesses and tampering with the investigation. According to him on 12th October 2007 at about 2.00 p.m. son of the applicant along with unknown persons threatened son of the complainant and even made an attack on the complainant's son. F.I.R has been lodged regarding the said incident and the crime has

been registered with C.R. No.I-365/07.

5. Taking into consideration the fact that Shabnam is still untraceable and also that investigation is going on and also taking into consideration the fact that the family members of the complainant are being threatened by or at the instance of the applicant and/or his family members it would not be appropriate to grant bail. Application is accordingly rejected.

6. When substantial portion of this order was dictated, learned counsel for the applicant sought leave to withdraw the application. IN view of the facts stated above and also taking into consideration the fact that the request is made after substantial portion of the order has been dictated, it would not be appropriate to grant the request. Permission to withdraw the application is therefore rejected.

(D.G. KARNIK, J)